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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,302	01/02/2002	Blaise B. Fanning	42390P12354	2163

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EXAMINER

MYERS, PAUL R

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/039,302

**Applicant(s)**

FANNING, BLAISE B.

**Examiner**

Paul R. Myers

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15, 19-24, 28, 29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 12-15, 19-24, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 3 and 31-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/6/04</u> , | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 8/27/04 have been fully considered but they are not persuasive.

In regards to applicants argument that Clark et al does not teach a dedicated communication medium. This is incorrect. Clark et al teaches that once a channel has been selected to perform a particular operation, the channel is dedicated to that operation until it is complete thus the channel remains connected to the device even though there may be a long latent period (Column 1 lines 56-60).

Applicants arguments regarding the added features of the control of the primary and non-primary ports (Page 11) is persuasive. The examiner has found references that teach primary and non-primary ports such as PN 5,001,625 to Thomas et al that teaches primary and secondary ports, and particularly PN 6,674,251 to Streitenberger et al that teaches primary and secondary ports and dedicating the ports to particular functions. The examiner notes however the claim language also includes timing as to when the ports are dedicated and Streitenberger et al's dedication comes when the ports are built and there is no timing control which was not found in the prior art.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 12-14, 19-20, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al PN 3,725,864 in view of Lee et al PN 5,838,937.

In regards to claims 1, 12: Clark et al teaches an apparatus, comprising: a point-to-point communication array (output from control units 0-m to devices 0-n Figure 1) to transfer data; and a hub device (Control units 0-m taken together), coupled with said point-to-point communication array to configure said point-to-point communication array by dedication of a communication medium of said point-to-point communication array to transfer data between an endpoint device (any of devices 0-n) and said hub device (control units 0-m). However does not teach an indication of a device connectivity from the endpoint. Lee et al teaches establishing a communication path and requesting a response to indicate that the path setup is complete from the endpoint. It would have been obvious to a person of ordinary skill in the art to check for connectivity because this would have prevented lost communication by communicating over a failed path.

In regards to claim 2: Clark et al teaches the point-to-point connection array described above. Clark et al does not teach the devices being connected via connectors. MPEP 2144.04 V. C. to make separable is not patentably distinct.

In regards to claims 13-14, 28-29: Clark et al teaches connecting to an endpoint device. Clark However does not teach an indication of a device connectivity from the endpoint. Lee et al teaches establishing a communication path and requesting a response to indicate that the path setup is complete from the endpoint. It would have been obvious to a person of ordinary skill in

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the art to check for connectivity because this would have prevented lost communication by communicating over a failed path.

In regards to claim 19-20: Clark et al teaches the hub including logic coupled with the point-to-point array to select the endpoint device based upon receipt of a signal to indicate device connectivity by sending a signal to switch 26 to select which device to connect to.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al PN 3,725,864 in view of Lee et al PN 5,838,937 as applied to claim 12 above and further in view of Denning et al PN 6,138,187.

In regards to claim 15: Clark et al teaches the point-to-point communication array as described above. Clark et al does not teach a primary and non-primary ports. Clark does teach multiple ports one for each channel but not identifying and as primary. Denning et al teaches identifying primary and alternative channels for communicating to remote devices. It would have been obvious to a person of ordinary skill in the art to identify a primary port/channel because this would have made identifying which channel to use simple.

5. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al PN 3,725,864 in view of Lee et al PN 5,838,937 as applied to claim 12 above and further in view of Kennedy et al PN 3,618,031.

In regards to claim 21: Clark et al teaches the point-to-point communication array as described above. Clark et al does not teach including a memory controller. Kennedy teaches a memory controller. It would have been obvious to a person of ordinary skill in the art at the time

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of the invention to include a memory controller in the system of Clark because this would have removed memory access control from the duties of the processor.

In regards to claim 22: both Clark et al and Kennedy teach a processor.

In regards to claim 23: Clark et al teaches the point-to-point connection array described above. Clark et al does not teach the devices being connected via connectors. MPEP 2144.04 V. C. to make separable is not patentably distinct.

In regards to claim 24: Clark et al teaches connecting to an endpoint device. Clark However does not teach an indication of a device connectivity from the endpoint. Lee et al teaches establishing a communication path and requesting a response to indicate that the path setup is complete from the endpoint. It would have been obvious to a person of ordinary skill in the art to check for connectivity because this would have prevented lost communication by communicating over a failed path.

#### ***Allowable Subject Matter***

6. Claims 4-11 are allowed.
7. Claims 3 and 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 703 305 9656. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703 305 4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PRM  
May 25, 2004

PAUL R. MYERS  
PRIMARY EXAMINER